



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

Dean Enell, Chair

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home Page: <http://www.islandcounty.net/planning/>

~ MEMORANDUM ~

To: Board of Island County Commissioners

From: Island County Planning Commission

RE: Findings of Fact – Amendments to ICC 16.13 and 16.19, procedures for administrative appeals

Date: April 11, 2016

Summary

The Island County Planning Commission is forwarding to the Board of Island County Commissioners Amendments to Chapters 16.13 and 16.19 of Island County Code, changing procedures for administrative appeals of certain Type I and Type III permits. The proposed amendments would change the venue for appeals of Type I permits to The Island County Hearing Examiner, and for appeals of Type III decisions to Island County Superior Court or the Shoreline Hearings Board, in accordance with Washington State law.

Findings

1. The Planning Commission finds that ICC 16.13 contains the duties and powers of the Island County Hearing Examiner; and
2. The Planning Commission finds that ICC 16.19.190 contains the provisions for administrative appeals for Type I, II and III decisions; and
3. The Planning Commission finds that the Board of Island County Commissioners has expressed a desire, based on the recommendation of the Washington County Risk Pool, to amend the County Code so as to no longer provide for the Board to hear administrative appeals; and

4. The Planning Commission finds that adequate outreach to the local community and public was conducted by the Planning Department in accordance with ICC 16.26.080. There were no concerns raised by the public; and
5. The Planning Commission finds that the concerns raised by the Island County Planning Commission have been adequately addressed; and
6. The Planning Commission finds that the proposed amendments to ICC 16.13 and ICC 16.19 are exempt from threshold determination and EIS requirements under WAC 197-11-800(19) as procedural actions; and
7. The Planning Commission conducted a public workshop regarding the proposed amendments on February 8, 2016 and a public hearing on February 22, 2016. There were no public comments in opposition to the proposed amendments; and
8. The Planning Commission finds that by providing that appeals of certain Type I decisions be heard by the Island County Hearing Examiner a local county record can be built at an open record appeal hearing; and
9. The Planning Commission finds that by providing that Type III decisions issued by the Island County Hearing Examiner become final county land use decisions that are appealable as allowed under applicable State law, the Island County Board of Commissioners will not hear administrative appeals as recommended by the Washington Counties Risk Pool.
10. The Planning Commission finds that adding an optional request for reconsideration process for Type I, II and III decisions will provide an opportunity for the Board to review a decision on a closed-record basis prior to a formal appeal of the decision to Island County Superior Court or the Shoreline Hearings Board.

Conclusion

The Island County Planning Commission has reviewed the proposed amendments to the procedures for administrative appeals of certain Type I and Type III decisions and recommends that the Board of Island County Commissioners adopt the proposed amendments to Island County Code Chapters 16.13 and 16.19.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this ____ day of _____, 2016 by,

Conclusion

The Island County Planning Commission has reviewed the proposed changes to Chapters 16.13 and 16.19 of Island County Code, changing procedures for administrative appeals of certain Type I and Type III decisions.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2016 by,

Dean Enell,
Chair, Island County Planning Commission

Attachments:

Exhibit "A" – Amendments to the Chapters 16.13 and 16.19 of Island County Code